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7 Attorneys for Defendant Management Trustees as set forth on
the signature page [Local Rule 3-4]

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 DAVID SLACK, individually, and on behalf of
all others similarly situated; JOHN JARBOE,
12 individually, and on behalf of all others similarly
situated; KEN BETTIS, individually, and on
13 behalf of all others similarly situated; KENNY
MENDOZA, individually, and on behalf of all
14 others similarly situated, CLYDE ELI,
individually, and on behalf of all others similarly
15 situated,

16 Plaintiffs,

17 vs.

18 INTERNATIONAL UNION OF OPERATING
ENGINEERS, a trade union, et al.
19

20 Defendants.
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Case No. 3:13-CV-05001-EMC

**STIPULATION AND [PROPOSED] ORDER
SETTING NEW HEARING DATE FOR
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED
COMPLAINT**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and between all
 3 Plaintiffs and Defendants represented by the undersigned counsel (collectively, "Stipulating
 4 Defendants," and collectively, with Plaintiffs, the "Parties") for the purpose of revising the previously
 5 set hearing date from February 12, ²⁰¹⁵~~2104~~ to February 19, ²⁰¹⁵~~2014~~.

6 1. The original Complaint in this matter was filed on October 27, 2013.

7 2. On November 4, 2014, the Parties asked the Court to enter the agreed upon schedule
 8 for Defendants' responses to Plaintiffs' Second Amended Complaint (Dkt. No. 180).

9 3. The Court entered the submitted schedule on November 6, 2014 (Dkt. No. 182) with
 10 the hearing on any motions to dismiss set for February 12, ²⁰¹⁵~~2014~~.

11 4. On November 20, 2014, Mr. Dwayne P. McKenzie, counsel for defendant management
 12 trustees, became aware of a scheduling conflict on February 12, ²⁰¹⁵~~2014~~ and informed Parties of the
 13 same.

14 5. The Parties agreed to move the hearing date by one week to February 19, ²⁰¹⁵~~2014~~.

15 6. Accordingly, the Parties now respectfully ask the Court to enter the below revised
 16 hearing date.

17 7. This Stipulation is not offered for any dilatory or improper purpose, but rather solely to
 18 effectively manage the scheduling of case events and to ensure the most efficient use of resources by
 19 the Court, the Parties, and their counsel as well as consider Parties' prior scheduling commitments.

20 STIPULATION

21 Pursuant to Local Rule 6-2, subject to the Court's approval, Plaintiffs and the Stipulating
 22 Defendants, hereby stipulate that the hearing on Defendants' motion to dismiss to the Second
 23 Amended Complaint, if filed, shall be held on February 19, 2015. All other deadlines set in the
 24 Court's November 6, 2014 Order (Dkt. No. 182) shall remain as set therein.

1 DATED: November 21, 2014

COX, CASTLE & NICHOLSON LLP

2
3 By: /s/ Dwayne P. McKenzie

Dwayne P. McKenzie

4 Attorneys for Defendants Kevin J. Albanese, F.G.

5 Crosthwaite, Thomas Holsman, John M. Humber, and

Richard Piombo

6 Dated: November 21, 2014

MOORE & LEVIANT LLP

7
8 By: /s/ H. Scott Leviant

J. Mark Moore

9 H. Scott Leviant

BERNS WEISS LLP

10 Jeffrey K. Berns

11 Lee A. Weiss

Albert G. Lum

12 Attorneys for Plaintiffs David Slack,

13 John Jarboe, Ken Bettis, Kenny Mendoza

and Clyde Eli

14
15
16 Dated: November 21, 2014

LAW OFFICE OF KENNETH C. ABSALOM

17
18 By: /s/ Kenneth C. Absalom

Kenneth C. Absalom

19 Attorneys for Defendants Russell E Burns,

20 Dan Reding, Carl Goff, Pete Figueiredo, and Steve

Ingersoll

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

DATED: November 21, 2014

COX, CASTLE & NICHOLSON LLP

By: /s/ Dwayne P. McKenzie
Dwayne P. McKenzie

Attorneys for Defendants Kevin J. Albanese, F.G.
Crosthwaite, Thomas Holsman, John M. Humber, and
Richard Piombo

ORDER

Pursuant to the foregoing Stipulation of counsel and for good cause shown, IT IS HEREBY ORDERED that the hearing on Defendants' motion to dismiss to the Second Amended Complaint, if filed, shall be held on February 19, 2015. All other deadlines set in the Court's November 6, 2014 scheduling Order (Dkt. No. 182) shall remain as set therein.

IT IS SO ORDERED. (as modified above)

Dated: 12/1, 2014

HON. EDWARD M. CHEN
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

